

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

CHARLES ALLEN, et al.,)	
)	
Plaintiff,)	
)	2:03-CV-1358-DAE-RJJ
v.)	
)	
UNITED STATES OF AMERICA, et)		
al.,)	
)	
Defendants.)	
_____)	

ORDER DENYING MOTION FOR RECONSIDERATION

On September 16, 2013, Plaintiff Robert Kahre moved for reconsideration of this Court's September 11, 2013 Order (Dkt. # 403) wherein this Court set the deadline to depose Mr. Halper and Mr. Damm for November 15, 2013. (Dkt. # 404.) Defendants filed a response. (Dkt. # 405.)

Plaintiff's counsel reasserts her argument that Local Rule 26-1 of the District of Nevada provides for 180 days until the close of discovery. Local Rule 26-1(e)(1), however, states that "Unless otherwise ordered, discovery periods longer than one hundred eighty days (180) days from the date the first defendant answers or appears will require special scheduling review." D. Nev. R. 26-1(e)(1) (emphasis added). Contrary to Plaintiff counsel's assertion, the Rule does not

mandate a 180-day discovery period.

Although the Court is sympathetic to Plaintiff counsel's vacation and trial schedule, the Court emphasizes that the depositions of Mr. Halper and Mr. Damm have a limited focus. (See Dkt. # 399 at 30–31 (“Plaintiff may depose Damm and Halper for the very limited purpose of determining whether they directed the property destruction that occurred during the execution of the search warrant at 6270 Kimberly Avenue.”))

Given the ten-year history of this case, counsel should have extreme familiarity with the issues involved in Plaintiff's sole-remaining claim and, as such, the depositions should not entail extensive preparation. Further, counsel has had ample notice of the depositions.

Because the court denied the government's Motion to Quash and Motion for a Protective Order, (Dkt. # 347), on October 26, 2012, further delay might prejudice Defendants.

Therefore, Plaintiff's Motion for Reconsideration is **DENIED**. The depositions of Jared Halper and Gregg Damm must take place on or before **November 15, 2013**.

IT IS SO ORDERED.

DATED: Las Vegas, Nevada, September 19, 2013.

A handwritten signature in black ink, appearing to read 'DAE', with a long horizontal flourish extending to the right.

David Alan Ezra
Senior United States District Judge